

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LYNDA BARRERA,

Plaintiff,

vs.

WESTERN UNITED INSURANCE COMPANY,

Defendant.

Case No. 2:09-cv-02289-ECR-PAL

ORDER

Counsel requested an emergency dispute resolution conference which the court conducted on April 8, 2011 at 10:00 a.m. Sean Claggett and Scott Cantor appeared telephonically on behalf of the Plaintiff and Nathan Reinmiller and Tara Shiroff appeared on behalf of the Defendants.

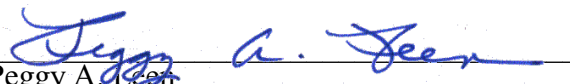
Defendants filed an Emergency Motion for Sanctions (Dkt. #63) March 11, 2011 concerning the scheduling and taking of one of Plaintiff's experts, Mr. Freeman. Defendants also filed an Emergency Motion for Protective Order (Dkt. #41) concerning other discovery requests. The Parties requested an emergency dispute resolution conference because the court has not yet entered a written order on the Parties' voluminous moving and responsive papers with respect to these two motions. Discovery closed March 14, 2011. The Parties initiated the deposition of Mr. Freeman in Portland, Oregon on February 23, 2011. The deposition was not completed, and the Parties dispute who was at fault for the failure to complete the deposition within the discovery plan and scheduling order deadlines. However, the Parties rescheduled Mr. Freeman's deposition for completion on Monday, April 11, 2011, outside the discovery cutoff. Counsel asks for leave of court to complete the deposition, notwithstanding that the discovery cutoff has expired, and there are pending discovery dispute motions before the court.

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1 The court advised counsel for the Parties to proceed with Mr. Freeman's rescheduled deposition
2 on Monday, April 11, 2011, without prejudice to Defendants' arguments that sanctions should be
3 imposed because Mr. Freeman did not make himself available to complete his deposition within the
4 time allowed by the court's Discovery Plan and Scheduling Order.

5 **IT IS SO ORDERED.**

6 Dated this 14th day of April, 2011.

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8 
9 Peggy A. Lee
United States Magistrate Judge